



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GALLAGHER & DAWSEY CO., L.P.A.
P.O. BOX 785
COLUMBUS OH 43216

COPY MAILED

JUL 27 2006

OFFICE OF PETITIONS

In re Application of
Lohr, et al
Application No. 10/782,516
Filed: February 18, 2004
Attorney Docket No. 04015
For: COMPOSITE HINGED DOOR AND
INSERT THEREFOR

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 20, 2006 (certificate of mailing date April 18, 2006) to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **DISMISSED**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The Office contends that the above-identified application became abandoned for failure to submit a reply to the August 10, 2004 Notice to File Missing Parts of Nonprovisional Application, which set an extendable two month period for reply. No reply being received, the Office considered this application abandoned on October 11, 2004. A Notice of Abandonment was mailed on May 13, 2005.

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply, unless previously filed.;
- (2) the petition fee as set forth in 37 CFR 1.17(m);
- (3) a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

- (4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

This petition does not meet requirement (1) set forth above.

As stated in the previous decision, "It is noted that only one of the two inventors has signed the declaration for patent application. A Rule 47a petition may be required for Mr. Lohr, if he has refused to sign the declaration or cannot be reached, despite diligent effort." Petitioner filed a 3.73(b) statement along with an employment agreement executed by Mr. Lohr on May 6, 2003 that shows Diamond Roll-up Door, Inc. has an interest in the invention. This submission does not satisfy the Notice to File Missing Parts. Mr. Lohr's signature is required on the declaration. A party in interest cannot sign the declaration on his behalf because the other joint inventor has signed the declaration.

A Rule 47(a) petition is required if Mr. Lohr has refused to sign the declaration or petitioner is unable to locate Mr. Lohr after diligent effort.


Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries may be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions